

7. When the petition is fully completed, the original and two copies must be mailed to the Clerk of the United States District Court
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA P.O. BOX-1148 /
PA 18501
8. Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PETITION

1: CV 01-02

1. Name and location of court which entered judgment of conviction under which you are presently confined:
DISTRICT OF COLUMBIA SUPERIOR COURT
WASHINGTON, D.C.
2. Date of judgment of conviction 10-18-1981 and 1997
3. Length of sentence 5-15/81 Sentencing Judge MOORE/Bay
aggregated 6-18 months
4. Nature of offenses for which you were convicted: SEE SENTENCE MONITORING COMPUTATION DATA AS OF 7/20/2000 attach to application.
5. Were you sentenced on more than one count of an indictment on more than one indictment, in the same court and at the same time? Yes _____ No x
6. Do you have any future sentence to serve after you complete sentence imposed by the judgment under attack? Yes _____ No x
- (a) if so, give name and location of court which imposed sentence to be served in the future: N.A.

(b) And give date and length of sentence to be served in future:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future? Yes _____ No _____

7. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground.

A. Ground one: Illegal computation by the Bureau of Prison
Supporting FACTS (tell your story briefly without citing cases or law)

See attach Memo/Motion for supporting facts and documentation.

B. Ground two: BOP CANNOT SUPERCEDE ORDER OF U. S. PAROLE
Supporting FACTS (tell your story briefly without citing cases or law)

ORDER. See attach Memo/Motion for facts and documentation.

C. Ground three: The BOP IS IN VIOLATION OF THE EXPOST FACTO
Supporting FACTS (tell your story briefly without citing cases or
law)
CLAUSE OF THE U.S. constitution. SEE MEMO/MOTION ATTACH TO
PETITION.

(Please insert additional grounds, if necessary)

Wherefore, petitioner prays that the Court grant petitioner relief to
which he/she may be entitled in this proceeding.

I declare under penalty of perjury that the foregoing is true and
correct.

Executed on 1-17-2001
Date

James Hol
Signature

Signature of Attorney
(if any)

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES S. COLEMAN
Reg. No.
LSCI Allenwood
P.O. Box 1000
White Deer, PA 17887,

Petitioner,

v.

SUSAN GERLINSKI
P.O. Box 1500
White Deer, PA 17887,

Respondent-Warden.

CASE NO. _____

COMPLAINT

MOTION FOR WRIT OF HABEAS CORPUS 28 U.S.C. § 2241

PETITIONER James S. Coleman ("Petitioner"), Pro Se, hereby moves this Honorable Court pursuant to 28 U.S.C. § 2241 to collateral estop the Bureau of Prisons from enhancing his sentence. In support thereof, Petitioner submits:

1) On case #F5593-80B in the D.C. Superior Court for the District of Columbia. Petitioner was convicted on November 18, 1981, and sentenced to 5 to 15 years.

2) Petitioner was paroled on November 18, 1987.

3) Petitioner violated parole in 1991 and was given a year set off date.

4) Petitioner was placed in a halfway house in March of 1992, and in September of 1992, Petitioner left the halfway house and was placed in escape status.

5) Petitioner was re-arrested on Jan. 25, 1997 and charged with Prison Breach, petitioner was indicted on March 25, 1997.

6) Petitioner pleaded guilty to the charge and was sentence to a conseeptive sentence of six to eighteen months (6to18 months), August 13, 1997.

7) The above sentence was aggregated with petitioner parole violat time which was four years (See face sheet dated 6-11-91 attached hereto as Exhibit A).The new sentence gave petitioner a mandatory release date of 10- 19- 2000 with a full term date of 8/2/2002,(See face sheet dated,8- 19 -97,attached hereto as Exhibit B).

8) On Jan. 1, 1998, petitioner saw the D.C. Parole Board on the aggregated sentence, with conditions impose (see The Board of Parole District of Columbia Notice Of Board Order, Exhibit C).

9) Sometime doing that period of time the U. S. Congress passed the National Capital Revitalization and Self-Government Act of 1997, Pub.L. No.105-33, §11231(a)(1), 111 Stat. 712, 745; This bill has created some confusion for many people here and elsewhere.

10) Thereinafter, petitioner 's sentence was once again recomputed under the Noble decision. This recomputation changed petitioner's mandatory release date to 8/28/2001 with a full term to 2006(See face sheet dated 9/8/98, attach hereto as Exhibit D).

11) Petitioner maintains that his sentence cannot be recomputed by the BOP just because he was tranferred From the D. C. Department Corrections to Federal custody.

12) Petitoner saw the U. S. Parole Comm. on September 19,or there about and they denied parole continue to expiration, the parole package was submitted by the D.C. Dept. of Corrections not the BOP (see U. S. Department of Justice, Notice of action dated Jan.3. 2000, Exhibit E).

(3)

13) Petitioner complained to the record office about the disparity between the BOP and the D.C. Dept. of Corrections computation. Petitioner tried in vain to explain the situation to the case manger, unit manager and the correctional counselor, on this matter and that petitioner had copies of all prior computations.

14) Petitioner started the Administrative Remedy process on 7-16-2000. Associate Warden Richard Luna was the person whom made the record office officer correct petitioners' computation to match his D.C. Dept. of Corrections face sheet. However, after Mr. Luna was transfered to another post within the BOP petitioners' computation changed again(see sentence monitoring computation data sheets of 5-10-2000, 7-12-2000 and 7-20-2000 attach hereto as Exhibit F).

15) The BOP are under the mis-apprehension that petitioner was given good time while in escape status from September 25, 1992 to January 25, 1997 (see computation sheet from BOP dated 7-12-2000).

16) Petitioner asserts, that while incarcerated in the D.C. Department of Corrections his face sheet indicated that he was credited with 1830 days of statutory good time, however, upon being transferred to the BOP the allow statutory good time has decrease to 903 days without explanation from the BOP authorities. Thereby depriving petitioner of his due process and equal protection under the constitution(see Administrative Remedy No 2204-A1 Part B - Response).

17) Petitioner further asserts that the BOP violated the Ex Post Facto of the District of Columbia by enhancing punishment that had been handed out to petitioner from the D.C. Parole Board, D.C. Dept. of Corrections and finally by the U.S. Parole Commission(See D.C. Parole and U. S. Parole Notice of actions sheets Attach).

18) Petitioner was sentence on the above mention case no. f5593-80b 11-18-81 petitioner was parole on 11-18-86 however he was arrested on Oct. 10, 1980 and made bond in March of 1981 and came back in 1987 and served a little time. Then in 1991 when this violation occurred in June 91, until Sept. 1992 this time should be included toward petitioners' statutory release date.

(4)

19) Petitioner maintains that the District of Columbia laws are being violated by the BOP when they recomputed petitioner parole violation time and mandatory release date from 2001 to 2004, without considering the Noble decision which had a great impact on his sentence(see D.C. CODE 24-204 Authorization of parole; custody; discharge and 887 F. Supp. 11 (D. D. C. 1995), 32 F. Supp. 2d 11 (IDC 1998)

20) At all times petitioner was under the jurisdiction of the D.C. Parole Board at all times. Petitioner saw the U. S. Parole Commission in September 1999 and they denied parole to expiration with condition imposed (see D. C. CODE 24-1231. Parole.) The BOP authority does not exceed statue for D.C. Code Offenders(see (1) Jurisdiction of Parole Commission to grant or deny parole and to impose conditions.).

21) The BOP maintain in their response to petitioners' Administrative Remedy request that they concur with the Northeast Regional Office response(see David M. Rardin,Reginal Dir. **Response** Exhibit F) this response is fill with inaccuracies and misleading information. For example see face sheet dated 6-11-91 at that time petitioner had only 1941 days upon his arrest,but they cite that petitioner had 3439 days left on his sentence. Also, they refuse to pay attention to the Noble decision that put the additional time on my sentence.

22) Petitioner submits that the above facts occurred and that the BOP has arbitrarily and capriciously violated petitioners'constitutional rights by prolonging a sentence that had already been computed and recomputed under the laws of the D.C. Code prior to his comitment in federal custody.

23) Petitioner has maintain at all times thru the Administrative Remedy procedure that the BOP has a misunderstanding or is just mean hearted in its dealing with inmates. As you can see the BOP at no time investigated petitioners' claims. Their responsiblity under the transfer of Prison system to Federal Authority. Chapter 12. See D. C. Code §24-1201. Thereby depriving petitioner of constitutional rights.

(5)

24) Petitioner is now being held illegally his time is up, by virtue of his statutory good time, educational good time, and earned institutional good time (see Central Office Administrative Remedy Appeal Response Attach hereto) petitioner should have been released in late December, if those same guidelines apply that make mandatory release date 8-9-03.

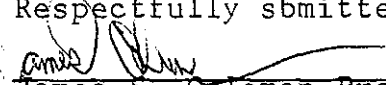
25) The Department of corrections may have violated petitioner due process rights when they added street time that petitioner was accredited with at the time of the violation in 1991 (see face sheet dated 1991). Yet, in 1998 when the Noble decision came down the provision of the "the good time credit act D.C. Code 24-431" was the law at the time petitioner was violated there depriving the petitioner of the 5 amendment of the U.S. constitution.

CONCLUSION

Petitioner who had been given an effective date of 8-16-2001 by the U.S. Parole Commission on Jan. 3, 2000, was subjective to a curtailment change in liberty by the BOP-Allenwood recomputation of his sentence. Mandatory parole release is of "enormous interest" to petitioner and must be treated as conditional liberty entitled to due process protection the BOP did not afford petitioner that right. Therefore being restrained of liberty in violation of the U.S. Constitution.

Wherefore, Petitioner contends, based on the facts ^{PRESENTED} ~~presented~~ in this Motion, that he is being imprisoned in violation of the Constitution of the United States, and that such imprisonment constitutes a restraint on his liberty and prays that this Honorable Court will grant the writ of Habeas Corpus forthwith.

Respectfully submitted,


James S. Coleman, Pro Se

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES S. COLEMAN
Reg. No. 09229-007
LSCI Allenwood
P.O. Box 1000
White Deer, PA 17887

PETITIONER,

V.

SUSAN GERLINSKI
P.O. Box 1500
White Deer, PA 17887

Respondent-Warden.

CASE NO. _____

AFFIDAVIT IN SUPPORT OF MOTION
TO PROCEED IN FORMA PAUPERIS

I, James S. Coleman, being duly sworn, depose and say that I am the Petitioner in the above entitled cause; that I am a inmate in Low Security Correctional Institution- Allenwood; that in support of my motion to proceed without being required to pay fees or costs, or give security therefor, I state that I am unable to pay costs of said proceeding or to give security therefor; that I believe that I am entitled to redress; and that the issues I wish to present in this action are contained in my application and attach motion, for HABEAS CORPUS 28 U.S.C. § 2241 which tendedered for filing herein.

1. I am not employed.

2. I received no income from outside sources on a regular basis.

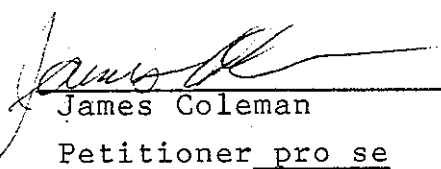
3. The only funds that I have assests to are the ones I earn working here at the Institution.

4. I do not own a checking or saving accounts.

5. I do not own any real estate, stocks, bonds, notes, automobiles, or other valuable property.


I understand that a false statement or answer to any question in this Affidavit will subject me to penalties of perjury.

Respectfully submitted,


James Coleman

Petitioner pro se

SUBSCRIBED AND SWORN TO before me this 25th day of January 2001


NOTARY PUBLIC

NOTARIAL SEAL
MICHELLE L. MERTZ, NOTARY PUBLIC
GREGG TWP, UNION COUNTY, PA
MY COMMISSION EXPIRES JULY 29, 2002

ExHIBIT-~~A~~ Date _____
Prepared _____
(Mo., Da., Yr.) 6-11-9

148161

YELLOW COPY TO ADP

K. B. B. 12

DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS
FACE SHEET No. 2

Date
Prepared
8/19/97
(Mo., Da., Yr.)

DCDC Number	Name (Last, First, Middle)	Race	Sex
448161	COLEMAN, JAMES	BLACK	MALE
Height	Weight	Build	Eyes
6'0"	200LBS	MEDIUM	BROWN
	Hair	Age	Birth Date
	BLACK	51	4/23/46
			Place of Birth
			WASHINGTON, D.C.

TOTAL SENTENCE: 6 MONTHS / 5 YEARS 21 MONTHS 22 DAYS

Offense	PAROLE VIOLATOR <div style="background-color: black; width: 150px; height: 20px; margin: 5px 0;"></div>	PRISON BREACH
Case Number	470-65 F-5593-80 (B)	F-790-97 (B)
Sentence (Yrs., Mos., Days)	OWES 1941 ON 18 YEARS	6/18 MONTHS
Warrant Executed / Sentence Begins (Mo., Da., Yr.)	6/11/91	8/13/97
Full Term Date (Mo., Da., Yr.)		8/2/2002
Short Term / M.R. Date (Mo., Da., Yr.)		10/19/2000
Parole Eligibility Date (Mo., Da., Yr.)		2/12/98
Max. Supervision Date (Mo., Da., Yr.)		N/A
Statutory Good Time Rate / Month		653 DAYS
Plea		GUILTY
Committing Judge		BAYLY
Defense Attorney		N/A
Initialed By:		MRC.

DETAINERS			CONDUCT CREDITS				
Date Filed	For	Action	Date	Credits	Forfeit	Restore	Balance

JAIL CREDIT DATES		REMARKS
From and Including	To and Including	
STREET TIME 2/11/87	2/27/87 = 17 DAYS	INOPERATIVE TIME FROM 9/26/92 THRU 1/26/91 = 1584 DAYS
		1584 DAYS CONVERTED IS 4 YEARS 4 MONTH 1 DAY. WHICH WAS CALCULATED IN THE ABOVE COMPUTATION.
STREET TIME 4/11/87	5/20/91 = 1501 DAYS	
		VOID FACE SHEET DATED 6/11/91



of the
District of Columbia

NOTICE OF BOARD ORDER

Order # 1 of 1

In reference to:

DCDC 148-161

NAME JAMES S COLEMAN

DOB 04/23/1946

SSN 578-58-6404

LOCATION OCCOQUAN FACILT

DOCKET H9801-0031

CONSIDERATION TYPE H:INITIAL

The District of Columbia Board of Parole issues the following **ORDER**:

DENY PAROLE; RECONSIDER FOR PAROLE BY 06/27/1999

Implementation of this Order shall include the following:
Special Instructions for Reconsideration

PROGRAM PARTICIPATION
PSYCHOLOGICAL COUNSELING
COMPLETE SUBS. ABUSE PROG

Remarks:

01/22/1998

Date

Margaret Quirk

Chairman
on behalf of the Board of Parole

Seal

A TRUE COPY
TEST

[Offender]

Michael Green
Director, Michael Green
Parole Determination
D.C. Board of Parole

E: Coleman, James DCDC# 148-161 Board Order Date: 1-22-98
 ode # _____

Reasons for the Board's Decision are Circled Below:

- 1) As Recommended by Point Assignment Grid Score (a Numerical Risk Measurement) of: _____
- 1) Set-off is Outside Parole Guidelines Recommendation Due to Countervailing Factors
 Exceptional Program or Work Assignment Achievement
 Successful completion of appropriate educational or vocational programs or program levels which increased the likelihood the offender will remain crime-free in the community, OR exceptional and sustained performance in one or more work details which increased the likelihood the offender will remain crime-free in the community, OR maximum effort to participate in appropriate programs, but opportunities for programming were not available, and offender's programming needs can be met in the community.
- 1) Record of Nonviolent Offenses
 criminal convictions have not involved injury or threat of injury to others.
- 1) Substantial Crime-Free Period
 in the 5 years prior to committing instant offense, subject was not committed for more than 30 days on any offense, AND offender has otherwise demonstrated an ability to remain crime-free in the future
- 1) Substantial Previous Period in Custody on Other Sentences or Additional Committed Sentences
 offender has demonstrated during this continuous period in custody, which included or will include other sentences, that he or she is ready to be paroled to the community or to his or her consecutive sentence
- 1) Substantial Cooperation with the Government
 documented special or unusual assistance to DCDC or another government agency which made an exceptional contribution to the health, welfare, or safety of persons or property
- 1) Availability of Community Resources Leading to Better Parole Prognosis
 an opening or opportunity for offender to participate in a program, service or other accommodation in the community, AND that will meet the offender's identified needs and lead to reduced risk to the community or another person
- 3) Poor Medical Prognosis
 terminally ill or sufficiently debilitated so that the likelihood of repeated criminal involvement or risk to the community or other person is minimal
- 5) Other Changes in Circumstances
 capabilities or characteristics of offender have changed in ways that minimize the likelihood of repeated criminal involvement, or risk to the community or other person
- 1) Prior Failure Under Community Supervision
 offender's prior negative conduct while under community supervision is likely to be repeated if again released to the community
- 1) Ongoing or Repetitive Criminal Behavior
 failure to remain free of criminal activity over sustained periods of time, OR instant offense is similar to a prior offense and is likely to be repeated
- 2) Prior Record of Violent Behavior
 prior record of violent behavior that creates an unacceptable risk to public safety
- 3) Instant Offense Involved Unusual Cruelty to Victims
 physical, mental, or emotional abuse beyond the degree needed to sustain a conviction on the instant offense, OR especially vulnerable victims (for example, children or elderly persons victimized by assaultive, exploitive, or fraudulent behavior)
- 4) Serious Negative Institutional Behavior
 documented criminal conduct or breach of institutional rules, the severity, frequency, or recent occurrence of which indicates that subject is not ready to remain crime-free in the community
- 5) Opportunity but Little Effort to Engage in Productive Programming or Work
 an opportunity for productive programming or work was made available by the Department of Corrections, parole officer, or other agency or employer, AND offender was able but failed to make appropriate use of that opportunity
- 5) Absence of Community Resources Which Ensure Safety of the Community
 unavailability of necessary services to support offender's personal or community adjustment, and minimize risk to the community, offender, or other person
- 7) Needs Programming to Remain Crime-Free in the Community
 offender requires appropriate programming to address the underlying cause of his or her criminal conduct and reduce the risk to the community

Director: Michael Green
 Parole Determination
 D.C. Board of Parole

Margaret Quick



GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CORRECTIONS
MAXIMUM SECURITY FACILITY
Lorton, Virginia 22199

Exhibit D

MEMORANDUM

TO: James Coleman
DCDC 148161
CB 7

FROM: Virginia Bowie
Supervisor, Records

DATE: January 18, 2000

SUBJECT: Sentence Computation

Attached is copy of your face sheet. When you were sentenced August 13, 1997 to 6/18 mos your sentence was aggregated with your parole violators term and your inoperative escape time was also included in the computation. As your face sheet reflects your mandatory release date is 8-28-2001.

DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS
FACE SHEET No. 2

Date
Prepared
9-8-98
(Mo., Da., Yr.)

DCDC Number 148161		Name (Last, First, Middle) COLEMAN, JAMES					Race Black	Sex Male
Height 6'0"	Weight 200	Build kg	Eyes Brn.	Hair Blk.	Age	Birth Date 4/23/46	Place of Birth Wash., D.C.	

Offense	DCPV ASSAULT, RAPE, AWITC RAPE	PRISON BREACH
Case Number		F-790-97B
Sentence (Yrs., Mos., Days)	OWES 3,441 DAYS	6/18 MONTHS
Warrant Executed / Sentence Begins (Mo., Da., Yr.)	6-11-91	8-13-97
Full Term Date (Mo., Da., Yr.)		9-10-2006
Short Term / M.R. Date (Mo., Da., Yr.)		9-6-2001 8/28/2001 ✓
Parole Eligibility Date (Mo., Da., Yr.)		1-13-98
Max. Supervision Date (Mo., Da., Yr.)		NA
Statutory Good Time Rate / Month		30/1830
Plea		GUILTY
Committing Judge		BAYLY
Defense Attorney		
Initialed By:		VB <i>VB</i>

DETAINEES			CONDUCT CREDITS				
Date Filed	For	Action	Date	Credits	Forfeit	Restore	Balance
			7/16/98	9	Life Skills		

JAIL CREDIT DATES		REMARKS
From and Including	To and Including	
		VOID FACE SHEET DATED 8-15-97
		RECOMPUTED UNDER THE NOBLE DECISION
		PV TERM 9 YRS 4 MOS 30 DAYS
		INOPERATIVE ESCAPE TIME: 9-26-92 THRU
		1-26-97 = 1584 DAYS
		ESCAPE TIME EQUALS 4 YRS 4 MOS 1 DAY
		TOTAL AGGREGATED SENTENCE 15 YRS 2 MOS 31 DA

5550 Friendship Boulevard
Chevy Chase, Maryland 20815-7201

Name: COLEMAN, James

Register Number: 00148+161

Institution: Maximum Facility

In the case of the above-named, the following parole action was ordered:

Deny parole. Continue to expiration with placement recommended in a community corrections center for up to 90 days prior to the mandatory release date, and with the highest level of supervision. In addition, you shall participate in an in-patient or out-patient mental health program as directed by your Supervision Officer, with special emphasis on long-term sex offender testing and treatment. You are expected to acknowledge your need for treatment and to participate in good faith in achieving the program goals that will be established for you. In addition, you shall be subject to the Special Drug Aftercare Condition which requires that you participate as instructed by your Supervision Officer in a program (inpatient or outpatient) approved by the D.C. Court Services and Offender Supervision Agency for the treatment of narcotic addiction or drug dependency, which may include testing and examination to determine if you have reverted to the use of drugs. You shall also abstain from the use of alcohol and/or all other intoxicants during and after the course of treatment. Further, you shall register with the Washington DC Police Department as a prior sex offender.

REASONS

Your previous score under the District of Columbia parole guidelines was 3. With adjustments reflecting your institutional record since your last hearing, your current score is 3. You continue to be scored under the 1987 guidelines of the D.C. Board of Parole. Those guidelines indicate that parole should be granted at this time. After review of all factors and information presented, a departure from the guidelines at this consideration is warranted for the following reasons: You are a more serious risk than indicated by the total point score in that you have an extremely assaultive history. As a juvenile after first being retained in the Police Juvenile Bureau for assault you were subsequently placed on probation for multiple counts of housebreaking and unlawful entry. As an adult you have committing two brutal sex offenses. While on parole for the first offense of rape you committed another rape. After being paroled from the second rape offense you continued to commit criminal behavior involving burglary which resulted in your parole being revoked for a second time. While in custody as a parole violator you escaped and were in escape status over 4 years. There is no indication that you have lessened the risk that you pose to the community by participating in sex offender treatment in the institution. To the contrary, you continue to deny that you raped anyone which would be indicative of the fact that you continue to be a very serious public safety risk who should not be released until you have served to the expiration of your sentence.

THE ABOVE DECISION IS NOT APPEALABLE.

Copies of this Notice are sent to your institution and to your Supervision Officer. In certain cases, copies may also be sent to the sentencing court. You are responsible for advising any others you wish to notify.

Date: January 3, 2000

Clerk: adc

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: COLEMAN, JAMES S 09229-007 Union LSIC-Allen
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I enter the Bop on 4-28-60 with a mandatory release date of 2001. I saw the U.S. Parole Commission in Sept. 1999. At that time my parole package indicated that my mandatory release date was 2001, however due to the computation of LSIC A my sentence structure has changed. Under D.C. Code 24-1231 the paroling authority is invested in the U.S. Parole Commission for D.C. Code offenders. Therefore, my mandatory release day should be 12-99 with all SGT, EGT and IGT accrued. 8-28-00

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

Please see attached

DATE

Susan Gerlinski, Warden

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 220462-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Printed on Recycled Paper



UNITED STATES GOVERNMENT
Department of Justice
Low Security Correctional Institution
Allenwood Federal Correctional Complex
White Deer, PA 17887

REQUEST FOR ADMINISTRATIVE REMEDY
PART B - RESPONSE

Coleman, James
Reg. No. 09229-007
REMEDY ID: 220462-F1

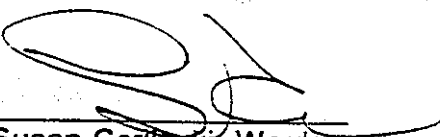
I am in receipt of your Request for Administrative Remedy wherein you claim that your sentence computation and release date are inaccurate. Specifically, you assert that your release date should have been in December 1999.

Your sentence computation has been reviewed. Your statutory release date is January 27, 2004. On June 11, 1991, you were arrested for a parole violation. Your violator term of 3439 days (remaining on your original sentence) began to run the day you were arrested. While serving this parole violator term, you were placed on escape status on September 25, 1992. You remained on escape status until your apprehension on January 25, 1997. During the time while you were on escape, your sentence was inoperative. Your sentence resumed once you were apprehended. Your original release date was in September 1999, but since your sentence was inoperative during the time you were on escape, you were not credited for the period of time from September 25, 1992 to January 25, 1997.

On August 13, 1997, you were sentenced to 6-18 months for the escape. This sentence was ordered to run consecutive to the violator term you were originally serving. The violator term and the new consecutive sentence were aggregated for a total maximum sentence of 18 months and 3439 days. This converts to 10 years, 11 months, and 1 day. This aggregate sentence was computed from the day you were originally arrested on June 11, 1991. You are receiving credit on this aggregate sentence from June 11, 1991 to September 25, 1992 and since January 25, 1997.

The U.S. Parole Commission (USPC) reviewed your case in September 1999 for possible parole consideration. After reviewing your case, the USPC issued a Notice of Action on January 3, 2000. In the Notice of Action, the commission denied parole and ordered that your sentence continue to expiration. With good time, your statutory release date is January 27, 2004.

Based on the above, your request for relief is denied.


Susan Gerlinski, Warden

9-12-00
Date

U.S. Department of Justice
Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: COLEMAN, JAMES 09-229-00 617
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL

Low Security Correctional Institution - Allenwood has continually refused to correct my computation (Transfer of Prison System to Federal Authority ^{DCDC} 524-1201, Bureau of Prisons (B)). This appeal request that, that my prior sentence with D.C.D.C. be reinstated as is with respect to my mandatory release in 12/2000. Attaches are copies of my DCDC face sheet, U.S. Parole Commission, Notice of Action and other information.

09/16/2000
DATE

James Coleman
SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

Part C—RECEIPT

Return to:

CASE NUMBER: 220462-R2

CASE NUMBER:

COLEMAN, James

Reg. No. 09229-007

Appeal No. 220462-R2

Page One

PART B - RESPONSE

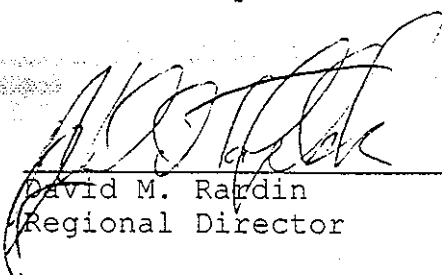
In your appeal, you allege your sentence computation has been computed incorrectly. Specifically, you contend that your prior District of Columbia sentence should "be reinstated as is with respect to my mandatory release in 12/2000."

A review of our records revealed the following. In November 1981, you were sentenced in the District of Columbia Superior Court to a 15 year term. On June 11, 1991, you were arrested for a parole violator term. At the time of your arrest, you had 3439 days remaining on your original sentence. This parole violator term began to run on June 11, 1991, the day you were arrested. On September 25, 1992, while serving this parole violator term, you escaped from federal custody. You remained on escape status until your apprehension on January 25, 1997. While on escape status, your sentence was inoperative and you will not receive credit for that period of time.

On August 13, 1997, you were sentenced in the District of Columbia Superior Court to a term of 6 to 18 months for escape. This sentence was ordered to run consecutive to the violator term you were originally serving. The two sentences (18 months and 3439 days) have been aggregated for a total term in effect of 10 years, 11 months, and 1 day, commencing on June 11, 1991 (but excluding the inoperative time referenced above due to your escape). The most recent Notice of Action, dated January 3, 2000, denies parole and ordered that your sentence continue to expiration. Your statutory release date is January 27, 2004. Our review indicates your sentence computation has been computed correctly. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

DATE: October 25, 2000


David M. Rardin
Regional Director

Justice

Central Office Administrative Remedy Appeal

all-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments submitted with this appeal.

COLEMAN JAMES S.

09229-007

UNION 60B

ALF

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

A-REASON FOR APPEAL The Regional Director mis-stated the facts in this matter, I had 1941 days left on my original sentence, in 1991. I did not escape from a federal half-way house. I am not asking for credit for inoperative time. My sentence was recomputed under the Noble decision in September 1998. I have received three computation sheets since I've been under the custody of the BOP. Why? The BOP had nothing to do with my last appearance before the U.S. Parole Commission. My mandatory release date at that time was August 2001. I have been incarcerated for over ten years plus on this conviction and the 1997 prison breach charge. Will you please look into all the facts concerning this matter.

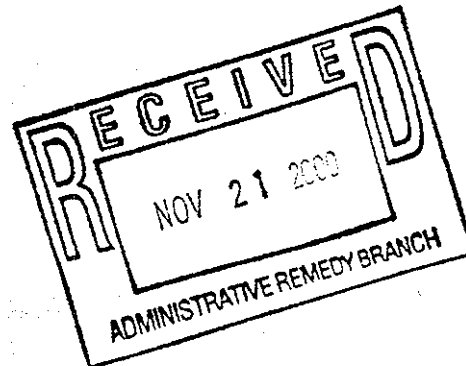
11-11-2000

DATE

James Coleman

SIGNATURE OF REQUESTER

Part B-RESPONSE



DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 220462-A1

Part C-RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

Previous editions not usable

BP-231(13)
APRIL 1982

ALFPA 540*23 * SENTENCE MONITORING * 05-10-2000
 PAGE 001 * COMPUTATION DATA * 13:29:43
 AS OF 05-10-2000

REGNO.: 09229-007 NAME: COLEMAN, JAMES

FBI NO.: DATE OF BIRTH: 04-23-1946
 ARS1: ALF/A-DES
 UNIT: UNION
 DETAINERS: NO
 QUARTERS: U07-602L
 NOTIFICATIONS: NO

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
 THE INMATE IS PROJECTED FOR RELEASE: 03-01-2004 VIA EXP W/GT

-----CURRENT JUDGMENT/WARRANT NO: 010-----

COURT OF JURISDICTION: DIST OF COLUMBIA, SUPERIOR CRT
 DOCKET NUMBER: F5593-80B
 JUDGE: MOORE
 DATE SENTENCED/PROBATION IMPOSED: 11-18-1981
 DATE WARRANT ISSUED: 05-21-1991
 DATE WARRANT EXECUTED: 06-11-1991
 DATE COMMITTED: 03-06-2000 / 1-26-1997
 HOW COMMITTED: RETURN OF PAROLE VIOLATOR
 PROBATION IMPOSED: NO
 SPECIAL PAROLE TERM:

RESTITUTION: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010-----

OFFENSE CODE: 654
 OFF/CHG: DC CODE ASSAULT WITH INTENT TO COMMIT RAPE.

SENTENCE PROCEDURE: D.C. CODE ADULT
 SENTENCE IMPOSED/TIME TO SERVE: 15 MONTHS
 NEW SENTENCE IMPOSED: 3440 DAYS
 BASIS FOR CHANGE: PAROLE VIOLATOR WARRANT EXEC
 DATE OF OFFENSE: 10-10-1980

-----CURRENT JUDGMENT/WARRANT NO: 020-----

COURT OF JURISDICTION: DIST OF COLUMBIA, SUPERIOR CRT
 DOCKET NUMBER: F790-97
 JUDGE: BAYLY
 DATE SENTENCED/PROBATION IMPOSED: 08-13-1997
 DATE WARRANT ISSUED: N/A
 DATE WARRANT EXECUTED: N/A

G0002 MORE PAGES TO FOLLOW . . .

This computation from Contonville, Rec. Officer

ALFD2 540*03 * SENTENCE MONITORING * 07-12-2000
PAGE * INDEPENDENT SENTENCE COMPUTATION * 10:39:11

SENTENCE PROCEDURE: 10 4205(A) REG ADULT
SPT/PAR/MR VIOL....: N MAN SGT RATE:
TERM IN EFFECT YRS: 15 MOS: 2 DAYS: 31 OR LIFE/DEATH:
TIE CONVERTED YRS: 15 MOS: 3 DAYS:
MINIMUM TERM YRS: MOS: DAYS:
JAIL CREDIT FROM: THRU: = DAYS
FROM: THRU: = DAYS
FROM: THRU: = DAYS
TOTAL JAIL CREDIT DAYS: 1-26-99 2000
INOP TIME FROM: THRU: = DAYS
FROM: THRU: = DAYS
TOTAL INOPERATIVE TIME DAYS:
SGT RATE.....: 10
SGT TOTAL DAYS: 1830
STAT REL DT....: 09-06-2001 THU
190 DAY DT....: 03-14-2006
PAROLE ELIG....: 07-10-1996
2/3 OR 30YR DT: 08-10-2001
EFT DT.....: 09-10-2006

HARDCOPY Y/N: Y

DATA ENTERED BY:

*DC - erroneously computed
your DC term as
15 y 2 m 31 d & did
not ~~at~~ include inoperative
(escape) time.*

G0000

TRANSACTION SUCCESSFULLY COMPLETED

*your actual DC term aggregate
is 10 y 11 m 2 d.*

*The difference in your short
term is that you can not*

earn SGT while you
are in escape status.

ALFD1 540*23 * SENTENCE MONITORING * 07-20-2000
 PAGE 001 * COMPUTATION DATA * 12:53:22
 AS OF 07-22-2000

REGNO... 09229-007 NAME: COLEMAN, JAMES

FBI NO..... 109135F DATE OF BIRTH: 04-23-1946
 ARS1..... ALF/A-DES
 UNIT..... UNION QUARTERS..... 007-602L
 DETAINERS..... NO NOTIFICATIONS: NO

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
 THE INMATE IS PROJECTED FOR RELEASE: 01-27-2004 VIA EXP W/GT

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION..... DIST OF COLUMBIA, SUPERIOR CRT
 DOCKET NUMBER..... FS593-303
 JUDGE..... MOORE
 DATE SENTENCED/PROBATION IMPOSED: 11-18-1981
 DATE WARRANT ISSUED..... 05-21-1991
 DATE WARRANT EXECUTED..... 06-11-1991
 DATE COMMITTED..... 04-28-2000 - 1-26-97
 HOW COMMITTED..... RETURN OF PAROLE VIOLATOR / *From Parole (1997)*
 PROBATION IMPOSED..... NO
 SPECIAL PAROLE TERM.....

RESTITUTION... PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE..... 654
 OFF/CHG: DC CODE: ASSAULT WITH INTENT TO COMMIT RAPE.

SENTENCE PROCEDURE..... D.C. CODE ADULT
 SENTENCE IMPOSED/TIME TO SERVE.. 15 YEARS
 NEW SENTENCE IMPOSED..... 3439 DAYS → *sentence imposed was 5-15 not 15 years they have a mis conception of how a sentence in 1981*
 BASIS FOR CHANGE..... PAROLE VIOLATOR WARRANT EXEC
 DATE OF OFFENSE..... 10-10-1980

-----CURRENT JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION..... DIST OF COLUMBIA, SUPERIOR CRT
 DOCKET NUMBER..... F790-37
 JUDGE..... BAYLY
 DATE SENTENCED/PROBATION IMPOSED: 08-13-1997
 DATE WARRANT ISSUED..... N/A
 DATE WARRANT EXECUTED..... N/A

00002 MORE PAGES TO FOLLOW